

Notice of Allowability

Application No.

09/000,330

Examiner

Janis L. Dote

Applicant(s)

NAKAMURA ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Feb. 22, 2007.
2. ☒ The allowed claim(s) is/are 16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. The examiner acknowledges the cancellation of claims 25-30 and the amendment to claim 16 filed on Feb. 22, 2007.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ashley I. Pezzner (Reg. No. 35,646) on Mar. 23, 2007.

The application has been amended as follows:

(1) Delete the paragraphs inserted after page 3, line 11, of the specification, set forth in the amendment filed on Dec. 2, 2002, at page 2, line 1, to page 6, line 10, of that amendment,

"DIN53461-B states that the test set-up should . . . The average, rounded to 1K, of the individual values is the heat deflection temperature HDT/A, HDT/B or HDT/C."

(2) Delete claims 21, 24, and 35.

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(3) Amend claim 16 as follows:

At line 11, after the phrase "said polyolefin resin" delete the word "has" and insert the word -- having --.

3. The examiner's amendment to the specification removes the objection to the specification under 35 U.S.C. 132, set forth in the final rejection mailed on Jan. 19, 2005, paragraph 5.

The examiner's amendment to claim 16 provides proper idiomatic English. Claim 16, as now amended by the examiner's amendment, represents previously filed claim 25 rewritten in independent form.

The USPTO Board of Patents and Interferences affirmed the prior art rejection of previously filed claims 16, 21, 24, 26-30, and 35 under 35 U.S.C. 103(a) set forth in the final rejection mailed on Jan. 19, 2005, paragraph 11. See the Board decision mailed on Dec. 22, 2006, page 11, lines 11-14. Only claim 25, which depends on claim 16, is not subjected to any outstanding rejection. Thus, only claim 25 is allowable. Accordingly, applicants cancelled claims 25-30 and amended claim 16 to incorporate the limitations of claim 25 set forth in the amendment filed on Feb. 22, 2007, and the examiner's amendment set forth in paragraph 2, supra, cancelled claims 21, 24, and 35.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLD

Mar. 23, 2007

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